

IFW

**THORPE
NORTH &
WESTERN L.L.P.**
SINCE 1979
THE TEAM APPROACH TO PREMIER PERFORMANCE®

INTELLECTUAL PROPERTY LAW

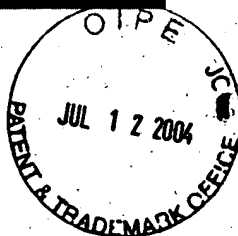
PATENTS, TRADEMARKS,

COPYRIGHTS, UNFAIR

COMPETITION, TRADE SECRETS,

LITIGATION, DISPUTE RESOLUTION

AND RELATED MATTERS



SALT LAKE AREA OFFICE
8180 SOUTH 700 EAST, SUITE 200
SANDY, UTAH 84070-0562
801.566.6633
801.566.0750 FAX
PATLAW@TNW.COM
WWW.TNW.COM

U.S. MAILING ADDRESS
P.O. Box 1219
SANDY, UTAH 84091-1219

LAS VEGAS AREA OFFICE
OF COUNSEL: NEIL J. BELLER †
7408 WEST SAHARA
LAS VEGAS, NEVADA 89117
702.368.7767
† ADMITTED IN NEVADA

VAUGHN W. NORTH
M. WAYNE WESTERN
GARRON M. HOBSON
PETER M. DE JONGE
CLIFTON W. THOMPSON
STEVE M. PERRY
WEILI CHENG, PH.D.
DAVID R. MCKINNEY, PE.
GARY P. OAKESON
DAVID W. OSBORNE
DAVID L. STOTT
JASON R. JONES
ERIK S. ERICKSEN, M.S.
JOHN W. L. OGILVIE
ALEX HAYMOND, B.S. EE
NATHAN S. WINESETT
ATTORNEYS

TODD B. ALDER, PH.D.
JONATHAN M. BENNS, PH.D.
PATENT AGENTS

AARON M. SMITH, B.S. EE
WILLIAM T. RALSTON, PH.D. EE
TECHNICAL CONSULTANTS
CALVIN E. THORPE
(1938-1999)

July 6, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: U.S. Patent Application No. 10/817,019 filed April 1, 2004
Applicant: Larry L. Howell, et al.
Title: **SUBSTANTIALLY CONSTANT-FORCE EXERCISE MACHINE**
Group Art Unit: 3764
Attorney Docket No. 23275.NP

Sir/Madam:

Transmitted herewith for filing and pursuant to 37 C.F.R. §§ 1.56 and 1.97 is an Information Disclosure Statement.

Enclosed also are the following designated documents, as required under 37 C.F.R. §§ 1.97 and 1.98:

- ☒ Form PTO-1449 list of 18 references submitted for consideration.
- ☐ Legible copies of the listed references or their relevant portions.
- ☒ Legible copies of the listed non-patent documents and foreign documents or their relevant portions are included.
- ☒ Copies of U.S. patents and/or publications are not included pursuant to the Official Gazette Notice, dated Aug. 5, 2003, waiving the requirement of 37 C.F.R. 1.98(a)(2)(i).

- ☐ All English translations of each non-English reference, if any, within the possession, custody, control or availability of anyone designated in 37 C.F.R. § 1.56(c) (see 37 C.F.R. § 1.98(c)).

The following are included within the Information Disclosure Statement if applicable and as required under 37 C.F.R. § 1.98:

- ☐ Concise explanation of relevance of each reference not in English and unaccompanied by an English translation.
- ☐ Statement that certain listed references not enclosed are substantially cumulative of an enclosed reference.
- ☐ Statement that certain listed references not enclosed were previously cited by or submitted to the Office in prior application no. _____, filed on _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120.

In order to secure consideration of the items designated above, one or more of the following, if required, is also enclosed:

- ☐ Statement under 37 C.F.R. § 1.97(e)(1) or (2).
- ☐ Check No. _____, which includes the amount of \$0.00 (amount in § 1.17(p)) constituting the submission fee set forth in 37 C.F.R. § 1.17(p).

In the event that 37 C.F.R. § 1.97(c) applies and the Examiner is not satisfied that the Statement meets the requirements of 37 C.F.R. § 1.97(e), or in any other event remediable by a fee, please credit any over payment or charge any additional fees to Deposit Account No. 20-0100 of the undersigned.

Respectfully submitted,

Jason R. Jones
Attorney for Applicant
Registration No. 51,008

THORPE NORTH & WESTERN, LLP
Customer No. 20,551
P.O. Box 1219
Sandy, Utah 84091-1219
Telephone: (801) 566-6633



IN THE UNITED STATES PATENT & TRADEMARKS OFFICE

ART UNIT: 3764
EXAMINER:
APPLICANT: Larry L. Howell, et al.
SERIAL NO.: 10/817,019
FILED: 4/1/2004
CONFRM. NO.: 2763
FOR: SUBSTANTIALLY CONSTANT-FORCE
EXERCISE MACHINE

**CERTIFICATE OF MAILING
UNDER 37 C.F.R. § 1.8**

DATE OF DEPOSIT: 07 Jun 2004

I hereby certify that this paper or fee (along with any paper or fee referred to as being attached or enclosed) is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Jason R. Jones

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir/Madam:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). Applicant respectfully submits that this Information Disclosure Statement is filed pursuant to:

☒ 37 C.F.R. § 1.97 (b)(1) or (3), within three months of the filing date of the application, or before a first office action on the merits, whichever occurs last;

☐ 37 C.F.R. § 1.97 (c), after a first office action on the merits, but before a Final Office Action or a Notice of Allowance, whichever occurs first, and is accompanied by either 1) a statement in accordance with 37 C.F.R. § 1.97(e), or 2) the fee set forth in § 1.17(p); or

☐ 37 C.F.R. § 1.97 (d), after a Final Office Action or Notice of Allowance, whichever occurs first, but on or before payment of the issue fee, and is accompanied by both 1) a statement in accordance with 37 C.F.R. § 1.97(e), and 2) the fee set forth in § 1.17(p).

While no representation is made that any of these references may be "prior art" within the meaning of that term in accordance with 35 U.S.C. §§ 102 or 103, the enclosed list of references is disclosed so as to comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record believes that the references listed, together with any other references which may have been previously submitted or listed, are the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

☐ A legible copy of each listed U.S. Patent or publication (or relevant portion thereof) which was not previously submitted to, or cited by, the Patent Office is enclosed pursuant to 37 C.F.R. §§ 1.97 and 1.98.

☒ A legible copy of each of the listed non-patent literature and foreign documents or their relevant portions is enclosed.

☒ Copies of cited U.S. patents and/or publications are **NOT** enclosed pursuant to the Official Gazette Notice, dated Aug. 5, 2003, waiving the requirement of 37 C.F.R. § 1.98(a)(2)(i).

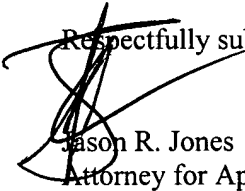
☐ Copies of the references listed in the accompanying Form PTO-1449 are **NOT** enclosed because, under 37 C.F.R. § 1.98(d), they were previously cited by or submitted to the Office in application number _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120.

For all listed references that are not either in the English language, or accompanied by a translation into English, a concise explanation of relevance as required under 37 C.F.R. § 1.98(a)(3) is enclosed attached to each.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or to credit any overpayment to Deposit Account No. 20-0100.

Dated this 7th day of July, 2004.

Respectfully submitted,


Jason R. Jones
Attorney for Applicant
Registration No. 51,008

THORPE NORTH & WESTERN, LLP
Customer No. 20,551
P.O. Box 1219
Sandy, Utah 84091-1219
Telephone: (801) 566-6633

GMH/JRJ:kj
Enclosure



PTO-1449

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.
23275.NPSERIAL NO.
10/817,019

LIST OF PRIOR ART CITED BY APPLICANT

APPLICANT Larry L. Howell, et al.

FILING DATE
April 1, 2004GROUP
3764

U.S. PATENT DOCUMENTS

EXAMINER INITIALS		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	A1	192,338	6/26/1877	Marshall			
	A2	3,708,167	1/2/1973	Potgieter			
	A3	3,981,500	9/21/76	Ryan			
	A4	4,620,704	11/4/86	Shifferaw			
	A5	4,725,057	2/16/88	Shifferaw			
	A6	4,848,740	7/18/89	VanDerHoeven			
	A7	4,949,958	8/21/1990	Richey			
	A8	5,004,226	4/2/91	Brown, Jr.			
	A9	5,029,850	7/9/91	Van Straaten			
	A10	5,123,886	6/23/92	Cook			
	A11	5,211,617	5/18/93	Millen			
	A12	5,649,454	7/22/97	Midha, et al.			
	A13	5,813,953	9/29/98	Whipple			
	A14	6,115,242	9/5/2000	Lambrech			
	A15	6,123,557	9/26/2000	Wang, et al.			
	A16	6,135,801	10/24/2000	Helot, et al.			

FOREIGN PATENT DOCUMENTS

EXAMINER INITIALS		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
	A17						
	A18						
	A19						
	A20						
	A21						

OTHER PRIOR ART (Including Author, Title, Pertinent Pages, Etc.)

	A22	Millar, A. J., Howell, L. L., and Leonard, J. N.; DESIGN AND EVALUATION OF COMPLIANT CONSTANT-FORCE MECHANISMS; Proceedings of the 1996 ASME Design Engineering Technical Conferences and Computers in Engineering Conference, August, 1996; DETC2002/MECH-34206.
	A23	Weight, B. L., Magleby, S. P., and Howell, L. L.; SELECTION OF COMPLIANT CONSTANT-FORCE MECHANISMS BASED ON STRESS AND FORCE CRITERIA; Proceedings of DETC '02 ASME 2002 Design Engineering Technical Conferences and Computers and Information in Engineering Conference, Sept., 2002; DETC2002/MECH-34206.

PTO-1449	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. 23275.NP	SERIAL NO. 10/817,019
LIST OF PRIOR ART CITED BY APPLICANT		APPLICANT Larry L. Howell, et al.	
		FILING DATE April 1, 2004	GROUP 3764

	A24	
EXAMINER		DATE CONSIDERED
<p>*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication with applicant.</p>		